

Statutes in conflict with Rules of Civil Procedure
(SB 874 by Caperton/P. Hill)

DIGEST: SB 874 would have prohibited the Texas Supreme Court from making civil procedural rules that conflicted with any statute. It also would have eliminated the current authority of the court to repeal parts of statutes that conflict with court rules.

GOVERNOR'S
REASON
FOR VETO:

The formation and adoption of new rules concerning the practice and procedures to be used in state civil courts or their modification is a responsibility more appropriately left to the Supreme Court. There is no evidence that the court has failed to perform this function responsibly and efficiently.

RESPONSE:

Rep. Patricia Hill, the House sponsor of SB 874, said that this bill was a direct response to the Texas Supreme Court's repeal of part of the tort reform package (SB 5 by Montford, et al.) enacted by the Legislature in 1987. Rep. Hill said the court repealed a provision that would have tightened sanctions for frivolous pleadings. She said that the court should not be permitted to overrule the Legislature, which delegated its power to make rules of civil procedure to the court. "The Chief Justice did not like this bill," Rep. Hill said, "The Supreme Court likes to think that it should have exclusive rule-making authority, even to the exclusion of the branch that gave it to it in the first place."

NOTES:

SB 874 passed the House on the Consent Calendar and was not analyzed in a Daily Floor Report.